

**SITE PLAN REVIEW REGULATIONS
of the Town of
Webster, New Hampshire**

Adopted: January 25, 1990

Amended: July 18, 2002

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Amended: February 20, 2020

Table of Contents

I. Authority, Purpose and Applicability.....	4
A. Authority	4
B. Purpose	4
C. Applicability	5
II. Definitions.....	6
III. Procedures for Minor Site Plan Reviews.....	6
A. General Provisions (Subdivision Regulations, Section IV)	6
B. Site Plan Review Procedures (Subdivision Regulations, Section V)	6
C. Fees and Costs and Third-Party Review (Sub Div Regs, Section VI).....	7
IV. Additional Submission Requirements for Minor Site Plan Review.....	7
V. Procedures for Major Site Plan Review	7
A. General Provisions (Subdivision Regulations, Section IV)	7
B. Site Plan Review Procedures (Subdivision Regulations, Section V)	8
C. Fees and Costs and Third-Party Review (Sub Div. Regs, Section VI).....	8
D. Plat and Application Submission Req'ments (Sub Div. Regs, Sec VII)	8
E. Design Standards (Subdivision Regulations, Section VIII)	8
VI. Additional Submission Requirements for Major Site Plan Reviews	9
A. Additional Requirements.....	9
B. Additional Plat Submission Requirements.....	9
C. Landscaping and Plantings	9
D. Vegetative or Hardscape Buffers	10
E. Screening	10
F. Parking and Loading and Pedestrian Safety	10
G. Stormwater Management and Erosion Control	11
H. Lighting	11
I. Signs	12
J. Access to Public Streets	12
K. Water and Sewage Disposal Systems	12
L. Flood Hazard Areas.....	13
M. Solar, Wind and Renewable Energy Systems	13
N. Creation of a Solar Skyspace Easement.....	14

VII. Required Improvements 14

VIII. Administration, Enforcement and Penalties..... 14

IX. Conflicting Provisions 14

X. Severability 14

XI. Validity 15

XII. Amendments 15

I. Authority, Purpose and Applicability

A. Authority

Pursuant to the authority vested in the Town of Webster Planning Board voted on at the March 13, 1989, Town Meeting in accordance with the provisions of RSA 674:43 and 44 as amended, the Town of Webster Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts for **non-residential uses**, whether or not such development includes a subdivision or re-subdivision of the site.

B. Purpose

The purpose of these regulations under NH RSA 674:44 is to:

1. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 - a) Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - b) Inadequate protection for the quality of groundwater;
 - c) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - d) Inadequate provisions for fire safety, prevention, and control.
2. Provide for the harmonious and aesthetically pleasing development of the municipality and environs.
3. Provide for open spaces and green spaces of adequate proportions.
4. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
5. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
6. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
7. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
8. Include such provision as will tend to create conditions favorable for health, safety, convenience, and prosperity;

9. Include innovative land use controls on lands when supported by the Master Plan;
10. Require preliminary review of site plans; see Section 5.2 Preliminary Conceptual Consultation and Section 5.3 Design Review, of the Webster Subdivision Regulations.
11. As a condition of site plan approval, require that the applicant protect or document archeological resources in areas of archeological sensitivity that have been identified in the Master Plan, in accordance with RSA 674:2, III(h).

C. Applicability

1. The Planning Board or its designee shall use the following criteria to determine the activity requires site plan approval:
 - a) If the proposal involves new construction of nonresidential use.
 - b) If the proposal involves a change of use category, e.g., from residential to commercial,
 - c) If the proposal involves external modifications or construction, including parking lots (except for single family housing and duplexes).
 - d) If the proposal involves a property that has never received Site Plan Review approval from the Planning Board for previous non-residential
 - e) If the proposal involves an increase in the level of activity.
2. Activities not Subject to Site Plan Review
The Planning Board shall use the following criteria to determine whether the activity is not subject to site plan approval:
 - a) Proposal that involves no change in use or level of activity
 - b) Internal building modifications to a non-residential use that do not affect the scale or impact of the existing use and do not increase traffic volume.
 - c) A reuse of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact as determined by the Board.
 - d) Timber harvesting and forest management activities, excluding lumber yards and saw mills.

3. Uncertain Applicability

In cases where there is uncertainty as to whether a development proposal is subject to site plan review, the Planning Board shall make a determination, in writing, as to whether site plan review is required, and what level of review is necessary.

II. Definitions

All definitions in Section III of the Webster Subdivision Regulations are adopted by reference in the Webster Site Plan Review Regulations.

III. Procedures for Minor Site Plan Reviews

The Minor Site Plan Review shall be conducted in accordance with the requirements contained in the Town of Webster Subdivision Regulations. Sections IV, V and VI of the Webster Subdivision Regulations are adopted by reference in the Webster Site Plan Review regulations and are referenced below.

Projects NOT requiring any additional buildings or changes/increases to the exterior dimensions of existing buildings, or changes/increases to parking areas, shall be defined as "Minor Site Plans" and are subject to the following requirements:

A. General Provisions (Subdivision Regulations, Section IV)

1. Conformity to Master Plan and Town Map
2. Protection of Natural Features
3. Unsuitable Land
4. Scattered or Premature Subdivision
5. Flood Hazard Areas

B. Site Plan Review Procedures (Subdivision Regulations, Section V)

1. General Information
2. Preliminary Conceptual Consultation
3. Design Review
4. Filing and Acceptance of Completed Application
7. Minor Subdivision – Expedited Review
8. Board Action on Completed Application
10. Conditional Approval
11. Public Hearings and Joint Hearings
12. Notices
13. Revocation of Approval
14. Waiver of Subdivision Regulation Requirements
15. Appeals

C. Fees and Costs and Third-Party Review (Sub Div Regs, Section VI)

IV. Additional Submission Requirements for Minor Site Plan Review

A. A Minor Site Plan Review does not require a licensed survey. A hand drawn map of the property, drawn to scale, is required to include:

1. Name and address of owner.
2. Names and addresses of all abutters, taken from town records no more than 10 business days before delivery of the application to the Board or its designee.
3. Location of site, showing boundaries, abutting roads, ingress and egress to site.
4. The footprint of any buildings or significant structures, both existing and proposed.
5. Location of driveway, off-street parking areas and loading areas, both existing and proposed.
6. Location of significant features of the site, including water bodies, rivers, ponds, delineated wetlands.
7. Location of current and proposed signs and exterior lighting.
8. Location and type of existing and proposed landscaping.
9. Storage locations for any flammable or hazardous type of liquid gases, solid materials or other hazardous materials.

B. The Planning Board has the authority to determine whether requirements for a Major Site Plan review are appropriate to extend to a Minor Site Plan Review. As such, the Planning Board may also require a detailed plan and/or further information to be submitted, under Sections VI and VI of the Site Plan Review regulations, below.

V. Procedures for Major Site Plan Review

The Major Site Plan Review shall be conducted in accordance with the requirements contained in the Town of Webster Subdivision Regulations. Sections IV, V, VI, VII and VIII of the Webster Subdivision Regulations are adopted by reference in the Site Plan Review regulations and are referenced below.

Projects requiring any additional buildings or changes/increases to the exterior dimensions of existing buildings, or changes/increases to parking areas, shall be defined as "Major Site Plans" and are subject to the following requirements:

A. General Provisions (Subdivision Regulations, Section IV)

1. Conformity to Master Plan and Town Map
2. Protection of Natural Features
3. Unsuitable Land
4. Scattered or Premature Subdivision
5. Flood Hazard Areas

B. Site Plan Review Procedures (Subdivision Regulations, Section V)

1. General Information
2. Preliminary Conceptual Consultation
3. Design Review
4. Filing and Acceptance of Completed Application
7. Minor Subdivision – Expedited Review
8. Board Action on Completed Application
9. Developments of Regional Impact
10. Conditional Approval
11. Public Hearings and Joint Hearings
12. Notices
13. Revocation of Approval
14. Waiver of Subdivision Regulation Requirements
15. Appeals

C. Fees and Costs and Third-Party Review (Sub Div. Regs, Section VI)

D. Plat and Application Submission Req'ments (Sub Div. Regs, Sec VII)

1. Plat Requirements
2. Final Plat
3. Additional Application Requirements
4. Performance Guarantee
5. Permits and Approvals

E. Design Standards (Subdivision Regulations, Section VIII)

1. Minimum Standards
2. Street Layout
3. Block Layout and Lot Detail
4. Street Construction for Public and Private Roads
5. Driveways
6. Boundary Marking
7. Stormwater Management
8. Erosion Control
9. Water and Sewer Facilities
10. Utilities
11. Solar, Wind and Renewable Energy Systems
12. Creation of a Solar Skyspace Easement
13. Maintenance of Improvements and Facilities

VI Additional Submission Requirements for Major Site Plan Reviews

A. Additional Requirements

Projects requiring additional buildings, increased parking or changes to exterior dimensions of existing buildings will be defined as a “Major Site Plan” and will also be required to meet the following additional requirements, in addition to those defined in Section V above.

B. Additional Plat Submission Requirements

1. An elevation view or photograph of all buildings indicating their height, bulk and surface treatment;
2. Indicate building compliance with American Disabilities Act (ADA);
3. Location of off-street parking and loading spaces with a layout of the parking indicated and compliance with ADA requirements;
4. The location, width, curbing and type of access ways and egress ways (drive- ways), plus streets within and around site;
5. Vehicle usage of area, including the number estimated per day and average;
6. The type and location of solid waste disposal facilities;
7. The location, size and design of proposed signs and other advertising or instructional devices; see also Section I below, Signs.
8. The location and type of lighting for all outdoor facilities, including direction and area of illumination; see also Section H below, Lighting
9. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
10. The location, elevation and layout of catch basins and other surface drainage features;
11. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
12. The size and locations of all public service connections – gas, power, tele phone, fire alarm, overhead or underground;
13. Storage locations within the site for any flammable or hazardous type liquid gases, solid materials or other hazardous materials;
14. If a subdivision, lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply;
15. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review.

C. Landscaping and Plantings

1. Design of development should fit the existing natural and man-made environments with the least stress. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.

2. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area.
3. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate. Invasive species may not be used.
4. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.
5. All disturbed portions of the lot shall be loamed and seeded.
6. Landscaping of cul de sac islands must meet Board approval.

D. Vegetative or Hardscape Buffers

1. Appropriate vegetative or hardscape buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites.
2. Buffer strips (the number of feet depending largely on the density of development in the area) must be maintained between use and residential zones. Buffer strip between non-residential and residential zone must contain vegetation or appropriate hardscape (fencing) which will screen non-residential uses from sight from residential area throughout the year.

E. Screening

1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.
2. Litter (garbage) storage areas must be screened and secured throughout the year, with measures to prevent wildlife access.
3. The use of either fencing or hedges is permitted.

F. Parking and Loading and Pedestrian Safety

1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties. American Disability Act (ADA) requirements must be met for parking.
2. Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and run-off conditions that would have detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
 - a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off; however,

- b. the Board may require that access, parking, and loading areas be conventionally paved if appropriate or necessary.
- 4. Sidewalks. Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrance to business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least (6) inches above grade and protected by curbing.

G. Stormwater Management and Erosion Control

See Sections 8.9 and 8.10, Webster Subdivision Regulations. All stormwater management and erosion control provisions in Section 8.9 and 8.10 of the Webster Subdivision Regulations are adopted by reference into the Webster Site Plan Review Regulations.

H. Lighting

1. Exterior lighting should be designed to balance the goals of maintaining a rural atmosphere with the need to promote public safety. Excessive lighting can adversely impact abutting properties, as well as contribute to light pollution.
 - a. The lighting plan for the site should prevent undesirable incidental illumination of abutting properties, the street and the nighttime sky. The lighting fixtures should be positioned to avoid excessive lighting and the spill over of light and glare on operators of motor vehicles, pedestrians, and land uses near light sources.
 - b. Security, parking lot, and sign lighting shall be shielded or otherwise designed to ensure the light is directed downward. Indirect lighting should be used on signs advertising goods or services offered on the premises.
 - c. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development. Moving, fluttering, blinking, flashing lights or neon signs are not permitted.
 - d. Where practical, exterior lighting installations shall include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption and eliminate unneeded lighting.
2. Applicability and Exceptions
 - a. The Board shall review the lighting design as part of the site plan process. The Board may request an overall exterior lighting plan with sufficient information to enable the determination that the plan meets the above goals and requirements.
 - b. These lighting regulations may also apply to a "Minor" site plan review.
 - c. These regulations do not apply to individual dwelling units, with the exception of common areas in a development, which shall be reviewed by the Board during the site plan or subdivision process. Examples of common areas include, but are not limited to pathways, clubhouses, shared driveways, parking lots and play areas.

- e. These regulations do not apply to lighting necessary for emergency equipment and work conducted in the interests of law enforcement or for the safety, health, or welfare of the community.
- f. Flags of the United States, the State of New Hampshire and other patriotic flags may be illuminated from below provided such lighting is focused primarily on the individual flag or flags so as to limit light trespass and spill into the dark night sky.

I. Signs

Signs on non-residential property should be designed and located to protect the safety and welfare of the public, to have an attractive appearance and to adequately identify and advertise a business. While aesthetics and design quality cannot be satisfactorily regulated, signs should strive to maintain the rural quality of Webster. These regulations may also apply to a "Minor" site plan review.

- 3. Signs shall be sized, designed, constructed, erected and maintained so as not to present a hazard to persons and property. Signs must be located on the property.
- 4. Signs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
- 5. Signs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic sign or signal or like device.
- 6. The illumination of any sign shall be non-flashing; spotlights or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision or a motorist.
- 7. Flashing signs are prohibited.
- 8. All signs are prohibited within the public right-of-way, except those signs being necessary for the public welfare, and as such, are required by the Town government and historical associations, etc.
- 9. The material and construction of any sign or supporting elements shall be in accordance with the National Building and Electrical Codes and all other applicable Town and State regulations.

J. Access to Public Streets

Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

K. Water and Sewage Disposal Systems

Water and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control

for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

L. Flood Hazard Areas

See Section 4.5 of the Webster Subdivision Regulations. All provisions of the Flood Hazard Areas in Section 4.5 of the Webster Subdivision Regulations are adopted by reference in the Webster Site Plan Review.

M. Solar, Wind and Renewable Energy Systems

1. Non-residential solar and wind energy systems will require a commercial exception from the ZBA, followed by site plan review by the Planning Boards described in these regulations.

2 The site plan review application will include submission of outside permits and approvals from the utility company. If the application is submitted prior to receipt of the outside permits, the application may be conditionally approved upon receipt of the outside permits and approvals. Prior to final approval, the permits and approvals will be reviewed for any changes or requirements issued by the utility company.

3. The Site Plan Review may impose a performance guarantee or bond from the applicant to cover costs for removal of the solar panels, windmills and other equipment and hardscape materials when the lease expires.

4. .Design considerations will include, but are not limited to:

- a. Orientation of streets, lots, and buildings to protect access to energy sources;
- b. Maximum building height and visual impact,
- c. Set back requirements from property line to nearest part of the system;
- d. Limitations on type, height, and placement of vegetation;
- e. Encouragement of the use of solar skyspace easements under RSA 477, as amended.
- f. Slope and stability of the soil;
- g. Erosion control and vegetative cover;
- h. Impervious surface coverage and stormwater management;
- i. Flood plain and shoreland standards;
- j. Conservation land and easements;
- k. Lakes, wetlands, streams and rivers;
- l. Large blocks of wildlife habitat and wildlife corridors;
- m. Use of fencing to avoid disruption of wildlife travel corridors and to avoid directing wildlife onto roads;
- n. Use of biodegradable wildlife friendly erosion control materials;
- o. Security of site.

N. Creation of a Solar Skyspace Easement

1. A solar skyspace easement may be acquired and transferred and shall be recorded in the same manner as any other conveyance of an interest in real property (RSA 477:50, as amended). The easement shall run with the land benefited and burdened and shall terminate upon the conditions stated in the instrument creating the easement or upon court decree based upon abandonment or changed conditions or as provided in RSA 477:26, as amended; provided, however, that no planning board may require a landowner to grant an easement.
2. An instrument creating a solar skyspace easement shall include, but not be limited to:
 - a. A description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar skyspace easement extends over the real property subject to the solar skyspace easement, or any other description which describes the 3-dimensional space, or the place and times of day in which an obstruction to solar energy is prohibited or limited;
 - b. Terms or conditions under which the easement is granted or shall be terminated;
 - c. Provisions for compensation of the benefited landowner in the event of interference with the enjoyment of the easement or compensation of the burdened landowner for maintaining the easement; and
 - d. A description of the real property subject to the solar skyspace easement and a description of the real property benefiting from the solar skyspace easement.
3. A solar skyspace easement shall not terminate within 10 years after its creation unless an earlier termination is expressly stated in the instrument or is otherwise negotiated by the owners of the benefited and burdened land. The easement may be enforced by proceedings in equity and by actions at law for damages.

The following are sections of the Webster Subdivision Regulations adopted by reference into the Webster Site Plan Review Regulations:

VII. Required Improvements

See Section IX of the Webster Subdivision Regulations

VIII. Administration, Enforcement and Penalties

See Section X of the Webster Subdivision Regulations

IX. Conflicting Provisions

See Section XI of the Webster Subdivision Regulations

X. Severability

See Section XII of the Webster Subdivision Regulations

XI. Validity

See Section XIII of the Webster Subdivision Regulations, which are adopted by reference into the Webster Site Plan Review regulations

XII. Amendments

See Section XIV of the Webster Subdivision Regulations.



Town of Webster

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Select Board

Members

Christine L. Schadler

Chair

Bianco Acebron Peco

Member

Normandie Blake

Member

Leslie M. Palmer

Town Administrator

CERTIFICATE OF ADOPTION OF TOWN OF WEBSTER SITE PLAN REVIEW REGULATIONS

Pursuant to RSA 675:6 III, the undersigned, being a majority of the members of the Webster Planning Board, certify that attached to this certificate is a true copy of the Town of Webster Site Plan Review Regulations incorporating the revisions made at the February 20, 2020 Public Hearing of the Webster Planning Board.

WEBSTER PLANNING BOARD MEMBERS

DATE

Susan Rault
Lia L. Fournier
Kathryn J. Bacon
Lynnae Clark

2/20/2020

2/20/2020

2-20-2020

2/20/20

WEBSTER TOWN CLERK

DATE

Michelle Darby

2/24/2020

The Town of Webster prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status. Webster is an equal opportunity employer.